

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Douglas B. Macrae et al.
Application No. : 10/823,993 Confirmation No. : 5005
Filed : April 13, 2004
For : SYSTEM AND METHOD FOR DETECTION AND
INDICATION OF PREMIUM CHANNEL
AVAILABILITY (as amended)
Art Unit : 2623
Examiner : Paul J. Graham

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b,c)

Sir:

GEMSTAR DEVELOPMENT CORPORATION, a corporation organized and existing under the laws of the State of California and having an office and place of business at 6922 Hollywood Blvd., Los Angeles, California 90028, represents that it is the assignee of record of the entire, right, title and interest, by assignment, of the following issued United States patent and pending United States patent application:

1. U.S. Patent No. 6,745,391 for "PREMIUM CHANNEL PROMOTION SYSTEM AND METHOD," issued June 1, 2004 on Application No. 09/293,201, filed April 16, 1999. An assignment of the '201 application by the inventor to E GUIDE,

INC. was recorded on August 6, 1999 at Reel 10147, Frames 546-552. An assignment of the '201 application from E GUIDE, INC. to GEMSTAR DEVELOPMENT CORPORATION was recorded on October 9, 2007 at Reel 19930, Frames 214-219.

2. Application No. 10/823,993, filed April 13, 2004, which is a continuation of Application No. 09/293,201, filed April 16, 1999. The assignment of the '201 application is effective for the '993 application as a continuation.

The undersigned, on behalf of GEMSTAR DEVELOPMENT CORPORATION, hereby disclaims the terminal portion of the term of any patent to be issued on the present application, Application No. 10/823,993, which would extend beyond the expiration date of the full statutory term of Patent No. 6,745,391.*

The undersigned, on behalf of GEMSTAR DEVELOPMENT CORPORATION, agrees that any patent to be issued on the present Application No. 10/823,993 shall be enforceable only for and during such period as the legal title to such patent shall be the same as the legal title to said Patent No. 6,745,391, this agreement to run with any patent to be issued on Application No. 10/823,993 and to be binding upon the grantee of such patent and its successors and assigns.

The undersigned, on behalf of GEMSTAR DEVELOPMENT CORPORATION, does not disclaim any terminal part of the term of any patent, to be issued on the above-identified Application No. 10/823,993, that would extend to the expiration date of the full statutory term of Patent No. 6,745,391,* in the event that Patent No. 6,745,391:

* It is applicants' and assignee's intention that if any change in the patent statutes delays the expiration of Patent No. 6,745,391, or if Patent No. 6,745,391 is hereafter awarded patent term adjustment under 35 U.S.C. § 154(b), then the date beyond which the term of any patent to issue on this application is disclaimed shall change along with the expiration date of the parent patent.

(a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a,b), (e) has all claims cancelled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. He is an agent of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The relevant evidentiary documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the above-identified Application No. 10/823,993 is in assignee.

GEMSTAR DEVELOPMENT CORPORATION

/Gall C. Gotfried/

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